

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

MUR 4994

New York Senate 2000 and)
Andrew Grossman, as treasurer;)
Hillary Rodham Clinton for U.S.)
Senate Committee, Inc., and)
William J. Cunningham, III,)
as treasurer;)
Hillary Rodham Clinton;)
New York State Democratic)
Committee and David Alpert,)
as treasurer;)
New York Democratic Victory 2000)
and Andrew Tobias, as treasurer;)
Democratic Senatorial Campaign)
Committee and James M. Jordan,)
as treasurer;)
Metabolife International, Inc.;)
New York Republican Federal)
Campaign Committee and Michael)
Avella, as treasurer;)
National Republican Senatorial)
Committee and Stan Huckaby,)
as treasurer;)
Rudolph W. Giuliani;)
Friends of Giuliani Exploratory)
Committee and John H. Gross,)
as treasurer;)
Giuliani Victory Committee and)
D. Jan McBride, as treasurer;)
Ashcroft Victory Committee and)
D. Jan McBride, as treasurer;)
Michigan Senate 2000 and)
James P. Fox, as treasurer;)
Santorum Victory Committee and)
D. Jan McBride, as treasurer)

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22.04.405.3779

CERTIFICATION

I, Darlene Harris, recording secretary for the Federal Election Commission executive session on September 25, 2001, do hereby certify that the Commission took the following actions with respect to MUR 4994:

A. Failed by a vote of 2-4 to:

1. Find reason to believe that the New York State Democratic Committee and David Alpert, as treasurer, violated 2 U.S.C. §§ 434(b), 441a(a), 441a(f), and 441b(a), and 11 CFR § 102.5.
2. Find reason to believe that Hillary Rodham Clinton for U.S. Senate Committee, Inc., and William J. Cunningham, III, as treasurer, violated 2 U.S.C. §§ 434(b), 441a(f), and 441b(a).
3. Find reason to believe that the Democratic Senatorial Campaign Committee and James M. Jordan, as treasurer, violated 2 U.S.C. §§ 434(b), 441a(f), 441a(h), and 441b(a), and 11 CFR § 102.5.
4. Find reason to believe that the Michigan Democratic State Central Committee/Federal Account and Roger Winkleman, as treasurer, violated 2 U.S.C. §§ 434(b), 441a(a), and 441a(f), and 11 CFR § 102.5.

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22-04-405-3780

5. Find reason to believe that Stabenow for U.S. Senate and Angela M. Autera, as treasurer, violated 2 U.S.C. §§ 434(b) and 441a(f).
6. Find reason to believe that the Missouri Republican State Committee and Harvey M. Tettlebaum, as treasurer, violated 2 U.S.C. §§ 434(b), 441a(a), 441a(f), and 441b(a), and 11 CFR § 102.5.
7. Find reason to believe that Ashcroft 2000 and Garrett M. Lott, as treasurer, violated 2 U.S.C. §§ 434(b), 441a(f), and 441b(a).
8. Find reason to believe that the National Republican Senatorial Committee and Stan Huckaby, as treasurer, violated 2 U.S.C. §§ 434(b), 441a(f), 441a(h), and 441b(a), and 11 CFR § 102.5.
9. Find no reason to believe that Rudolph Giuliani; the Friends of Giuliani Exploratory Committee and John H. Gross, as treasurer; the Giuliani Victory Committee and D. Jan McBride, as treasurer; the Santorum Victory Committee and D. Jan McBride, as treasurer; and New York Democratic Victory 2000 and Andrew Tobias, as treasurer, violated any provision of the Act in connection with this matter; and close the file with respect to these respondents.
10. Take no further action with respect to this matter.

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22-04-405-3781

11. Close the file in MUR 4994.

12. Send the appropriate letters.

Commissioners McDonald and Thomas voted affirmatively for the motion. Commissioners Mason, Sandstrom, Smith, and Wold dissented.

B. Decided by a vote of 5-1 to reject
the following recommendations of
the Office of General Counsel:

1. Find reason to believe that the New York State Democratic Committee and David Alpert, as treasurer, violated 2 U.S.C. §§ 434(b), 441a(a), 441a(f), and 441b(a), and 11 CFR § 102.5.
2. Find reason to believe that Hillary Rodham Clinton for U.S. Senate Committee, Inc., and William J. Cunningham, III, as treasurer, violated 2 U.S.C. §§ 434(b), 441a(f), and 441b(a).
3. Find reason to believe that the Democratic Senatorial Campaign Committee and James M. Jordan, as treasurer, violated 2 U.S.C. §§ 434(b), 441a(f), 441a(h), and 441b(a), and 11 CFR § 102.5.

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22-04-405-3782

4. Find reason to believe that the Michigan Democratic State Central Committee/Federal Account and Roger Winkleman, as treasurer, violated 2 U.S.C. §§ 434(b), 441a(a), and 441a(f), and 11 CFR § 102.5.
5. Find reason to believe that Stabenow for U.S. Senate and Angela M. Autera, as treasurer, violated 2 U.S.C. §§ 434(b) and 441a(f).
6. Find reason to believe that the Missouri Republican State Committee and Harvey M. Tettlebaum, as treasurer, violated 2 U.S.C. §§ 434(b), 441a(a), 441a(f), and 441b(a), and 11 CFR § 102.5.
7. Find reason to believe that Ashcroft 2000 and Garrett M. Lott, as treasurer, violated 2 U.S.C. §§ 434(b), 441a(f), and 441b(a).
8. Find reason to believe that the National Republican Senatorial Committee and Stan Huckaby, as treasurer, violated 2 U.S.C. §§ 434(b), 441a(f), 441a(h), and 441b(a), and 11 CFR § 102.5.

Commissioners Mason, McDonald, Sandstrom, Smith, and Wold voted affirmatively for the decision. Commissioner Thomas dissented.

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22-04-405-3783

C. Decided by a vote of 6-0 to:

Find no reason to believe that Rudolph Giuliani; the Friends of Giuliani Exploratory Committee and John H. Gross, as treasurer; the Giuliani Victory Committee and D. Jan McBride, as treasurer; the Santorum Victory Committee and D. Jan McBride, as treasurer; and New York Democratic Victory 2000 and Andrew Tobias, as treasurer, violated any provision of the Act in connection with this matter, and close the file with respect to these respondents.

Commissioners Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

D. Decided by a vote of 6-0 to reject the following recommendation of the Office of General Counsel:

Approve the proposed discovery directed to the New York State Democratic Committee and David Alpert, as treasurer; Hillary Rodham Clinton for U.S. Senate Committee, Inc., and William J. Cunningham, III, as treasurer; New York Senate 2000 and Andrew Grossman, as treasurer; the Democratic Senatorial Campaign Committee and James M. Jordan, as treasurer; Axelrod & Associates; GMMB; Media Strategies & Research, Inc.; the Michigan Democratic State Central Committee/Federal Account and Roger Winkleman,

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22.04.405.3784

as treasurer; Michigan Senate 2000 and James P. Fox, as treasurer; Stabenow for U.S. Senate and Angela M. Autera, as treasurer; Struble Oppel Eichenbaum; the Missouri Republican State Committee and Harvey M. Tettlebaum, as treasurer; Ashcroft 2000 and Garrett M. Lott, as treasurer; Ashcroft Victory Committee and D. Jan McBride, as treasurer; the National Republican Senatorial Committee and Stan Huckaby, as treasurer; and McAuliffe Message Media, as recommended in the General Counsel's Report dated September 11, 2001.

Commissioners Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

**E. Decided by a vote of 4-2 to reject
the following recommendation of
the Office of General Counsel:**

**Approve the appropriate Factual and
Legal Analyses.**

Commissioners Mason, Sandstrom, Smith, and Wold voted affirmatively for the decision. Commissioners McDonald and Thomas dissented.

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22-04-405-3785

F. Decided by a vote of 6-0 to:

1. Take no action and close the file as to all of the remaining respondents in MUR 4994.
2. Send the appropriate letters.

Commissioners Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

Attest:

September 26, 2001
Date

Darlene Harris
Darlene Harris
Deputy Secretary of
the Commission

22.04.405.3786